United Nations CEDAW/C/JAM/CO/6-7/Add.1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
30 September 2016

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the combined sixth and seventh periodic reports of Jamaica

Addendum

Information provided by Jamaica in follow-up to the concluding observations*

[Date received: 14 September 2016]

Note: The present document is being issued in English, French and Spanish only.

* The present document is being issued without formal editing.

16-16959 (E) 121016

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Background

1. The Committee on the Elimination of Discrimination against Women considered the combined sixth and seventh periodic report of Jamaica (CEDAW/C/JAM/6-7) and provided follow-up concluding observations in response to the dialogue on July 13, 2012.

2. In keeping with the Guidelines for drafting of follow-up reports as outlined in the Information on the Follow-up Procedure,[1] Jamaica was requested in paragraph 43 of the Concluding Comments to provide, within two years, a written report on the steps taken to implement two (2) recommendations on specific issues relating to Violence against Women contained in paragraphs 22 (b)-(g) and Equality in Marriage and Family Relations as contained in paragraphs 38 (c) and (d). This report provides information on the steps taken to implement the recommendations.

A. Follow-up to the concluding observations

3. Consistent with the recommendations of the Committee in paragraph 41, copies of the Concluding observations were disseminated to various organizations, institutions, groups and individuals. This includes approximately 153 persons from 50 Ministries, Departments and Agencies (MDAs) and 22 CSOs/NGOs, to provide awareness on the concerns and recommendations as well as to request information on actions taken towards implementing the recommendations.

4. Special emphasis was placed, in particular, on women's and human rights organizations as well as MDAs that have programmes/activities concerning violence against women and/or marriage and family relations. This includes the Office of the Children's Advocate (OCA), the Ministry of Youth and Culture, the Child Development Agency (CDA), Ministry of Justice, Woman Inc., Association of Women's Organizations in Jamaica (AWOJA), Office of the Director of Public Prosecutions (DPP), Office of the Public Defender, the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA), Victim Services Division formerly (Victim Support Unit) among other stakeholders.

B. Violence against women

5. In paragraph 21, the Committee expressed concerns about the high incidents of violence against women despite the Domestic Violence (Amendment) Act, 2004, which creates a regime of protection orders and occupation orders to protect women from domestic violence and widens the range of persons who can seek relief under the legislation. Some other concerns also related to the criminalization of marital rape, victim assistance and support, and sexual harassment legislation.

[1] Information on the Follow-up Procedure, adopted on February 26, 2013

Actions taken to implement the recommendations concerning violence against women

6. The Government of Jamaica, through support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), is currently finalizing a draft National Strategic Action Plan to Eliminate Gender-based Violence in Jamaica (NSAP-GBV) to facilitate a comprehensive approach to preventing and addressing gender-based violence in all its forms. The Plan outlines five (5) priority areas, namely:

(1) Prevention — To facilitate the review, adaptation and formulation of protective laws and policies as well as Advocacy & Community Mobilization to provide protection and awareness on Gender-based Violence;

(2) Protection — To ensure mainstreaming and monitoring of GBV prevention and response in the areas of psychosocial & health support;

(3) Prosecution & Investigation — To ensure that the Legal System investigates and prosecutes cases of GBV with gender sensitivity and in conformity with international standards around due diligence, inclusion and non-discrimination;

(4) Punishment & Redress — To effectively enforce punishment of perpetrators of GBV and establish a system of redress for persons who have experienced GBV;

(5) Protocols for Data Collection and Coordination — Monitoring & tracking the impact of the implementation of the NSAP-GBV.

7. The institutional framework for the implementation, monitoring and evaluation of the NSAP includes the following main elements:

- Body responsible for Gender Equality within Government — currently the Ministry of Culture, Gender, Entertainment and Sport, executed by the Bureau of Gender Affairs (formerly Bureau of Women's Affairs);
- Ministry of Health/National Sexual Health Authority;
- Core Working Group on Gender Based Violence (CWGGBV);
- Technical Working Groups (TWGs) for the five Strategic Priority Areas of the NSAP.

8. The Ministry of Culture, Gender, Entertainment and Sport and the Bureau of Gender Affairs have been working assiduously towards finalizing the NSAP. Working with UNDP, a robust monitoring and evaluation framework has been created to guide the implementation and monitoring of the Action Plan. A Governance Framework has also been developed.

Legal/regulatory framework

9. The Houses of Parliament approved the regulations for the Sexual Offences Act to make provisions for the prosecution of rape, and other sexual offences and further provides for the establishment of a Sex Offender's Registry and a Sex Offender's Register. A Joint Select Committee of Parliament has been appointed to review the Sexual Offences Act. The Committee is comprised of members of both

Houses and is currently taking submissions from the public and interested parties on proposals for amendments to the Act.

10. The Committee will also review other statutes, in particular, the Offences Against the Person Act and the Child Care and Protection Act that deal with offences against women, children and the elderly to re-define and augment, as appropriate, offences and punishments relating to murder of pregnant women, murder of children, sexual offences against children, the abduction of children as well as other violent crimes perpetrated against women, children and the elderly.

11. The Office of the Prime Minister, which until general elections in February 2016 was responsible for gender affairs, held meetings with several stakeholders including faith-based organizations and members of the legal sector. The meetings were designed to facilitate preliminary assessment of the existing services, facilities and provisions for victims/survivors of gender-based violence. Another objective was to explore opportunities to augment the existing services and secure new facilities to provide comprehensive care inclusive of psychosocial support to victims/survivors. Representatives of the legal sector were engaged in discussions on the existing provisions under the Domestic Violence Act to propose amendments to the Act in keeping with the recommendations of the Justice System Reform Taskforce and to bring the Domestic Violence Act in line with national, regional and international standards.

12. Cabinet approved drafting instructions in April 2014 for a Sexual Harassment Bill. The Sexual Harassment Bill was tabled in December of 2015 and is made a priority for the legislative schedule to be debated in Parliament in 2016.

13. The Evidence (Special Measures) Act was passed in December 2012 and seeks to protect vulnerable witnesses,[2] including women and children. It provides for the use of video recorded evidence and live video links in trials so that vulnerable witnesses do not have to appear in court. This will minimize the distress and trauma of vulnerable witnesses, particularly in sexual offences.

14. In addition, the Evidence (Special Measures) (Video Recorded Evidence) (Criminal Proceedings) Regulations came into effect in July 2015, giving effect to the Evidence (Special Measures) Act.

15. The Trafficking in Persons Prevention, Suppression and Punishment (TIP) Act (2007) was amended in July 2013 and allows for increased penalty regarding TIP offences from ten to twenty years. This includes an expanded definition of "exploitation" to include other offenses similar to human trafficking such as carnal abuse, rape and debt bondage.

16. The Bureau of Gender Affairs is collaborating with the Office of the Public Defender (OPD) to establish a Complaints and Response Protocol for women in keeping with Strategic Priority Area 5[3] of the National Strategic Action Plan to Eliminate Gender-based Violence (NSAP-GBV). The OPD also continues to examine and facilitate redress for human rights violations through investigations of

[2] Vulnerable witnesses include child witnesses (persons under the age of 18 yrs.) and complainants in criminal matters involving sexual offences.

[3] Protocols for Data Collection and Coordination — Monitoring & tracking the impact of the implementation of the NSAP-GBV

complaints by citizens and acting on behalf of complainants to remedy alleged injustices.

Protocols for data collection and coordination

17. The Restorative Justice Unit, Ministry of Justice commenced data collection in April 2013 in relation to the development of strategies towards the elimination of violence against women and girls.

18. Indicators and tools have been developed to facilitate the collection of baseline data for effective evidence-based monitoring of the impact of gender-based violence.

19. Training has also been conducted in the collection of sex-disaggregated data through partnership with the Economic Commission for Latin America & the Caribbean (ECLAC), while follow-up training was also done among public sector staff to include Gender Focal Points (GFPs) who act as key 'responsibility centres' within their respective MDAs.

20. The Victim Support Unit of the Ministry of Justice was reclassified and upgraded to the Victim Services Division (VSD), in 2014. This reclassification aims to strengthen the entity and thereby enhance the ability to provide critical support to victims of crime (inclusive of sexual violence and domestic violence) to enable those victims to give evidence in court.

21. The VSD captures some data regarding offences. However due to limited resources, the information is not disaggregated by sex, age and the relationship between the victim and perpetrator. Plans are in train to improve the data collection, analysis and dissemination.

22. The Strategic Planning, Policy Research and Evaluation Division (SPPRE), Ministry of Justice, currently gathers court data only to provide a general figure on the number of criminal cases filed and disposed of, but SPPRE does not disaggregate this data by demographic variables.

23. The SPPRE implemented a comprehensive strategy to strengthen data collection and reporting mechanism from the Courts. The pilot data collection project in the Half Way Tree Parish Court commenced in 2013 and ended in 2015 with favourable results. Consequent to this project, work has commenced on this initiative with the piloting of an amended data collection spreadsheet among five Parish Courts in the first phase. A second phase pilot among the rest of the Parish Courts will continue in October 2016. By January 2017, all Parish Courts will be on the same data collection platform, working with a standardized data collection framework. Training of relevant data collection staff is part of this initiative.

24. Additionally, early results from the Half Way Three Parish Court data project is that the Court was able to manage its caseload more effectively, identifying those cases that are in backlog or have become inactive (which was not previously noticeable from data normally supplied to the Ministry of Justice). It was also possible to see the effects of policy or legislative changes on the kinds of matters reaching the Court.

25. There is now a greater level of stakeholder buy-in, on the value of accurate and meaningful data emanating from the courts, hence the positive outlook for the full "roll out" of the data collection mechanism throughout the rest of the court system.

Public education and training

26. Public education and training sessions are conducted by the Bureau of Gender Affairs on critical gender issues including gender equality, human rights, anger and conflict management, communication skills/negotiating skills and self-efficacy skills to provide sensitization on the elimination of violence against women. Participants include urban and rural communities, particularly vulnerable populations.

27. Plans are in train to institute a programme of public awareness to encourage the reporting of domestic and sexual violence against women and girls and ensure that all such acts are effectively investigated, victims and witnesses are protected and perpetrators are prosecuted and sentenced within a reasonable time frame.

28. Plans are afoot for comprehensive training in combating violence against women, including domestic and sexual violence, for relevant professionals, including targeted training for judges, prosecutors, lawyers and police officers on the application of protection orders under the Domestic Violence Act. Other services include training for health professionals on standardized procedures for dealing with victims of violence in a gender-sensitive manner. Additionally, under the Domestic, Sexual and Gender-based Violence Project, over 300 police personnel and front-line responders are to benefit from training to effectively recognize, deal with and respond to victims of rape, sexual harassment and domestic violence.

29. Training was provided in the Management of Sexual Assault to medical practitioners through collaboration with the Centre for the Investigation of Sexual Offences & Child Abuse (CISOCA) in the Ministry of National Security. The training was designed to facilitate the development of guidelines for the treatment and care of victims/survivors of GBV. Follow-up workshops will be conducted to extend the reach of the training to other personnel within the medical profession and to facilitate monitoring and evaluation processes.

Support and assistance to victims

30. The VSD increased the support to victims of crime, including sexual violence and domestic violence to assist persons against whom certain offences have been committed. It continues to operate through the 13 branches across the Island with one satellite office. There is a proposal to further expand the number of branch and satellite offices. The VSD does not operate a shelter; however, referrals are made to Government and non-Governmental agencies.

31. The Overcomers in Action Programme is a group counselling programme that provides healing and restoration to females who have been abused sexually, physically and/ or emotionally. This group intervention is open to all females who have been abused. It is conducted by professional counsellors who are trained in group therapy. Crisis Intervention services and training are also provided as well as advocacy (referrals) on behalf of victims.

32. Within the VSD, plans are in train to employ psychologists to offer specialized services such as psychoanalysis to determine the type of gender-based violence and psychiatric care needed to provide support to victims.

C. Marriage and family relations

33. In paragraph 37, the Committee notes the prevalence of traditional stereotypes of women in relation to their role in the family. The Committee further notes that while both parents are legally responsible for the maintenance of their child/children, mothers (particularly single mothers) carry a disproportionate burden of care for children because of cultural factors, as well as legal and administrative inadequacies concerning child maintenance and a lack of participation by men.

Actions taken to implement the recommendations concerning marriage and family relations

Child maintenance

34. Currently, the Maintenance Act makes provision for mothers, particularly single mothers, to apply for child maintenance through the Courts to ensure that they are provided with adequate and timely child maintenance. However, some mothers choose not to access the benefits due to a number of factors, including their desire to prevent hostilities with the child's father. The Bureau of Gender Affairs, in collaboration with other key stakeholders and partners, provides sensitization and awareness on the legal provisions through public education and training to multiple publics, including women and girls in vulnerable communities.

35. Building on years of a positive shift in societal attitudes, especially among fathers; the Government of Jamaica is moving to improve, even further, the sense of responsibility of fathers towards their children. The Government aims to assist Jamaican men to take responsibility for their actions by providing the level of guidance and support required by their children, from their earliest stages of development. In keeping with this aim, the Government is preparing legislation that will make it mandatory for fathers' names to be placed on their children's birth certificates.

Divorce

36. Several initiatives have been introduced by the Supreme Court to simplify the divorce process to ensure that women are not placed in disadvantaged or harmful positions. Efforts have been made to further improve the turnaround time in these divorce proceedings. Initiatives include the development of standardized documents for use in divorce proceedings by Attorneys-at-Law. The aim of this standardization of documents is to reduce the instances of requests by the Court for corrections to be made to such documents and thereby reduce the delay in completing these matters.

37. Another initiative is the drafting of amendments to the Rules of Court, which will enable the Adjudicator to deal with applications for Decree Nisi. Currently, this authority rests only with Judges of the Supreme Court.

38. The proposed amendments to the Rules of Court regarding the standardization of documents and the widening of the adjudicator's responsibilities are currently under review. Both initiatives are intended to reduce the delay in the completion of divorce proceedings.